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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/754,556

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ASAM.0095

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05/13/2008

EXAMINER

SMITH, NICHOLAS A

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/754,556	Applicant(s) SAGAWA ET AL.	
	Examiner NICHOLAS A. SMITH	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/959,953.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-10 remain for examination. Claims 11-13 are new.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 08-134692 (JP'692) as evidenced by Hamada et al. (US 5144288 A).
4. In regards to claim(s) 1-10, JP'692 is applied to the claims for the same reasons as stated in paragraph(s) 5-10 of the previous office action.
5. In regards to claim(s) 1, 4 and 7 amendments "into a tunneling insulator of said electron guns" and "formed as an electrode of said electron guns with," JP'692 discloses that the insulating film on a conducting film can be used in a TFT device (paragraph [0001]). As evidenced by Hamada et al., such a TFT meets the claimed structure (Hamada et al., col. 8, lines 1-35).
6. In regards to claim(s) 3, 6 and 10 amendments, JP'692 teaches use of adipic acid ammonium (Examples 1-5).
7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 08-134692 (JP'692) as evidenced by Hamada et al. (US 5144288 A) and in view of Kinard et al. (US 5837121 A).

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8. In regards to claim(s) 11-13, JP'692 discloses a range of current density (paragraph [0011]) that overlaps the claimed range and therefore establishes a case of prima facie obviousness. See MPEP 2144.05. It would have been obvious to one of ordinary skill in the art to select the claimed range from the broader prior art range because prior art teaches the same utility over the entire range.

9. JP'692 does not explicitly disclose the claimed voltage for anodization.

10. Kinard et al. discloses a method of anodizing valve metals (Example 4). It would have been obvious to one of ordinary skill in the art to modify JP'692's method of anodization with Kinard et al. method of applied voltage because Kinard et al. teaches such a voltage is effective for oxidizing the metal (Kinard et al., Example 4).

Response to Arguments

11. Applicant's arguments filed 14 February 2008 have been fully considered but they are not persuasive. In regards to Applicant's argument that JP'692 only teaches a coating/insulation film like an electric capacitor, JP'692 also teaches a TFT device which has a metal-insulator-metal (MIM) structure (Hamada et al., col. 8, lines 1-35) and such a structure can perform the function of a being an electron gun. In regards to Applicant's argument that JP'692 attains too high of a dielectric constant, Applicant is reminded that a TFT device would not necessarily have the same thickness and/or dielectric constant as Applicant argues and therefore JP'692 TFT device would be capable of tunneling. In regards to Applicant's argument that JP'692 doesn't teach the claimed salt, salt from adipic acid is a carboxylic acid containing not more than 2 alcoholic hydroxyl groups (JP'692, Examples 1-5).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NICHOLAS A. SMITH** whose telephone number is (571)272-8760. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Susy Tsang-Foster can be reached on (571)-272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAS

/Susy N Tsang-Foster/

Supervisory Patent Examiner, Art Unit 1795